



The Commonwealth of Massachusetts

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

PROCEDURAL MEMORANDUM

TO: Massachusetts Telecommunications Carriers and D.T.E. 01-20 service list
(via *E-mail and Regular Mail*)

FROM: Jesse Reyes, Hearing Officer
Paula Foley, Assistant General Counsel

RE: D.T.E. 03-59: Notice of Receipt of Requests to Proceed
D.T.E. 03-60: Loop and Transport Issues

DATE: September 9, 2003

I. D.T.E. 03-59: Notice of Receipt of Requests to Proceed

On August 26, 2003, the Department opened a proceeding, docketed as D.T.E. 03-59, to determine whether to petition the Federal Communications Commission ("FCC") for a waiver of the FCC's national finding that "denial of access to unbundled switching would not impair a competitor's ability to serve the enterprise markets, including all customers which are served by the competitor over loops of DS1 capacity and above." Triennial Review Order,¹ at ¶ 453; 68 Fed. Reg. 52,276, 52,302-03 (Sept. 2, 2003) (to be codified at 47 C.F.R. §§ 51.319(d)(3), (d)(5)); Proceeding by the Department of Telecommunications and Energy on its own Motion to Implement the Requirements of the Federal Communications Commission's Triennial Review Order Regarding Switching for Large Business Customers Served by High-Capacity Loops, Vote and Order to Open Proceeding, D.T.E. 03-59 (Aug. 26, 2003). The Department ordered that this investigation not proceed unless at least one competitive local exchange carrier filed a written "request to proceed" by September 5, 2003.

In D.T.E. 03-59, the Department has received timely requests to proceed filed jointly by DCSI Corporation and InfoHighway Communications Corporation, and filed separately by

¹ Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98; and Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147, FCC 03-36 (rel. Aug. 21, 2003) ("Triennial Review Order").

American Long Lines, Inc. Therefore this investigation will proceed. In addition to complying with the filing requirements and deadlines as directed in Vote and Order, D.T.E. 03-59, all carriers filing documents must file one (1) original to the Secretary of the Department and submit eight (8) copies to the hearing officer. Requests for participate and comments on the scope and schedule of the proceeding are due by September 16, 2003. Carriers should comment on the proposed schedule below, based on the 90-day period beginning on October 2, 2003.

October 2, 2003	Discovery commences
October 23, 2003	Direct testimony due
October 30, 2003	Rebuttal testimony due
November 3, 2003	Discovery ends
November 12-14	Hearings
November 24, 2003	Initial briefs
December 4, 2003	Reply briefs

II. D.T.E. 03-60: Loop and Transport Issues

Also on August 26, 2003, the Department opened a proceeding in docket D.T.E. 03-60 to implement the requirements of the FCC's Triennial Review Order regarding switching for mass market customers. Please note that the Department will also be addressing loop, transport, and hot cut issues in D.T.E. 03-60.

If you have any questions regarding D.T.E. 03-59, call Jesse Reyes at (617) 305-3735. Questions regarding D.T.E. 03-60 should be directed to Paula Foley at (617) 305-3608.